

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

EDUARDO TREVINO  
TDCJ-CID #926058

v.

ERNEST GUTIERREZ, ET AL.

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C.A. NO. C-09-155

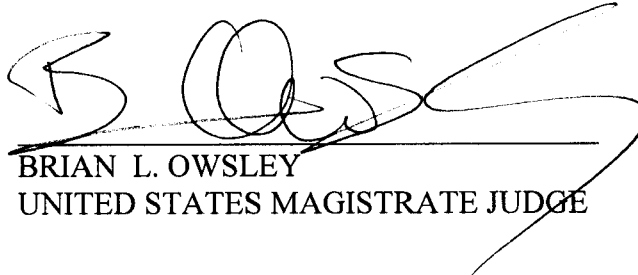
**OPINION DENYING PLAINTIFF'S MOTION TO RECONSIDER**

Plaintiff is an inmate in the Texas Department of Criminal Justice, Correctional Institutions Division, and is currently incarcerated at the McConnell Unit in Beeville, Texas. Proceeding pro se, he filed a civil rights action pursuant to 42 U.S.C. § 1983. (D.E. 1). Pending is his motion to reconsider plaintiff's motion for appointment of counsel. (D.E. 103). He also requests a hearing regarding his motion.

On December 2, 2009, plaintiff filed his fourth motion for the appointment of counsel. (D.E. 91). That motion was denied without prejudice. (D.E. 94). He filed a timely motion to reconsider that order. In his pending motion, he asserts that reconsideration is appropriate based on his discovery disputes. (D.E. 103, at 1-2). Plaintiff filed a motion to compel. (D.E. 88). However, that motion has been resolved. It is premature to conclude that there will be a trial in this action.

Accordingly, plaintiff's motion to reconsider plaintiff's motion for appointment of counsel, (D.E. 103), is DENIED. Consequently, his request for a hearing is also DENIED.

ORDERED this 31st day of December 2009.

  
BRIAN L. OWSLEY  
UNITED STATES MAGISTRATE JUDGE